

AFFORDABLE DWELLING UNIT

PRESENTATION TO HAB/ADUAB

OCTOBER 7, 2009



PURPOSE OF THE ADU PROGRAM

- ∞ The ADU Ordinance was adopted on June 16, 1993 and is regulated by Article 7 of the Zoning Ordinance & Chapter 1450 of the Loudoun County Codified Ordinance.
- ∞ Available for purchase by households whose income is $> 30\%$ and $< 70\%$, & also available for rental by households whose income is $> 30\%$ and $< 50\%$ of the median income for PMSA



APPLICABILITY

- Any Application for rezoning, special exception, site plan or preliminary subdivision which yields
 - 50 or more dwelling units
 - Density is greater than one unit per 40,000 square feet.
 - Served by public water and sewer.



EXEMPTIONS TO THE REGULATIONS OF ARTICLE VII

- ⌚ Multi-family dwelling unit structures with 4 stories or more that contain elevators
- ⌚ SPEX, STPL or SBPL applications which proffered ADUs prior to June 16, 1993.
- ⌚ Land zoned R-1, CR-1, TR-1 & JLMA-1
- ⌚ CDP amendment, rezoning plat amendment or other zoning amendment which does not increase total number of residential units
- ⌚ Properties subject to proffers accepted prior to June 16, 1993



EXEMPTIONS (Cont...)

- ⌚ If the Applicant proposes to provide ADUs in a development that is exempted, the application fee is waived.
- ⌚ The affordable dwelling unit to bonus density increase ratio does not apply
- ⌚ Density may be increased up to 20%
- ⌚ If density increase is approved for 20%, a minimum of 12.5% of total density approved shall be ADUs.



ADU REQUIREMENTS FOR SFD & SFA

∞ SFD & SFA –up to 20% DENSITY BONUS
MINIMUM REQUIRED % OF ADU = 12.5%

∞ MF– up to 10% DENSITY BONUS
MINIMUM REQUIRED % OF ADU = 6.25%

(Applicant can request a 20% density bonus from the BOS , but must provide at least 12.5% of ADUs)



DESIGNATION OF ADUs ON PLATS

- ∞ The number of ADUs must be identified on approved site plans and /or record subdivision plats (specific units for sale or % of units for rent)
- ∞ All STPLs shall include information concerning the number of each type of ADU units, by bedroom count.



INTERSPERSION & COMPATIBILITY OF ADUs (§ 7-104)

- ∞ ADUs must be interspersed among market rate units in a development.
- ∞ ADUs shall be of a similar building type and architectural style as the market rate units in a development.



Timing of Construction (§7-106)

- ⌚ No more than 50% of market rate units shall be issued occupancy permits prior to permits issued for 50% of ADU units
- ⌚ And no more than 75% of market rate units shall be issued occupancy permits until permits have been issued for 100% of ADU units.



MODIFICATIONS (§ 7-108)

Amend § 7-103

- ∞ Ratio of ADU to the total density increase shall be no less than 12.5:20% for SFD & SFA developments & 6.25:10% for MF developments
- ∞ Total ADU proposed shall be 5% or > of the total number of residential units



MODIFICATIONS (§ 7-108)

Amend § 7-103

- ⌚ As part of the modification request, the developer has the option of providing any combination of affordable dwelling units, land or cash contribution
- ⌚ The modification must be justified pursuant to § 7-108(B).



CASH BUY-OUT PROGRAM

Amend § 7-103

- Buy-Out Option for SFD development:
 - The existing cash contribution formula of § 7-108(E) shall apply to the 100% buy-out option
 - The decision to pay cash in lieu of units must be made at the time of rezoning, SPEX or SBPL
 - The cash contribution must be made prior to first zoning permit



CASH BUY-OUT PROGRAM

Amend § 7-103

- Buy-Out Option for SFD development:
 - The developer buys out of the entire ADU program and is not eligible for density bonus or credit.
 - The developer would not be able to use the reduced lot sizes and setbacks of the zoning district regulations of Article VII
 - The cash collected goes to the Housing Trust Fund



Cash Contribution Formula

Construction Price

**Prototypical ADU x .25 x lots required = cash contribution
.75**

Cash Calculation (10 SFA Units)

**\$ 81, 356 x .25 x 10 = \$ 271, 187
.75**



VIOLATIONS & PENALTIES

- Any violation of the ADU Ordinance is subject to the provisions of § 7-110 of the Zoning Ordinance, which includes;
 - A fine of \$50.00 per day/per unit up to a maximum of \$3,000 per unit.
 - Lease termination and eviction of tenants
 - Class II misdemeanor charge and a fine of up to \$1,000



ENFORCEMENT AND COURT APPEALS

- The Zoning Administrator is charged with the authority to administer and enforce the ADU Program.
- Any person aggrieved by the decision of the Zoning Administrator, his designee, or the ADUAB may appeal such decision to the Loudoun County Board of Zoning Appeals within 30 days of the date of such decision



ADU DEVELOPMENT ZONING DISTRICT REGULATIONS

- Sections 7-200 to 7-1100 provides for alternative regulations to the various zoning districts of the Zoning Ordinance
- The regulations contained in these sections apply when a development proposes affordable dwelling units in the development
- Such regulations may apply to the whole development





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